

Barriers to prosecutions and convictions under the Modern Slavery Act 2015

Research report

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This report is the first part of a two-part series based on research conducted by Dr Alicia Heys, a Senior Lecturer in Modern Slavery at the Wilberforce Institute at the University of Hull and – on behalf of it – a Co-Investigator of the Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford, as part of the research strand focused on the effectiveness of legal enforcement measures.

The first part focuses on barriers to successful modern slavery prosecutions, whilst the second part focuses on financial investigations as a method of pursuing modern slavery offenders. Both reports, when published, will be available on the PEC website at modernslaverypec.org/resources/prosecutions-modern-slavery-act.

The PEC has actively supported the production of this Report. However, the views expressed in the summary and the full report are those of the author and not necessarily of the PEC or the funders – the Arts and Humanities Research Council.

1. Introduction

The Modern Slavery Act (MSA) 2015 was introduced to strengthen the UK's response to human trafficking and modern slavery, providing comprehensive tools to identify offenders, secure convictions, and protect victims.¹ However, while the number of victims identified and referred to the National Referral Mechanism² has continued to increase, prosecution and conviction rates under the Act remain notably low, raising questions about barriers to its implementation. This report examines some of these barriers, drawing on insights from practitioners directly involved in modern slavery cases, as well as academic and grey literature on the subject.

The original research informing this report aimed to explore how financial investigations could improve prosecution and conviction rates under the Modern Slavery Act. Fifteen in-depth interviews were conducted with specialists including seven police officers based in English forces, three lawyers, three financial experts, one international cyber-crime expert, and one NGO representative with lived experience of modern slavery. All interviews were anonymised, transcribed, and analysed thematically.

1. A note in reference to terminology: Other research funded by the Modern Slavery and Human Rights Policy and Evidence Centre indicates that the terms 'survivor' and 'person with lived experience' are often preferred among people affected by modern slavery. This report uses these terms, along with 'victim' to reflect the language of the criminal justice system in the UK.

2. The National Referral Mechanism is the system for identifying potential victims of modern slavery and referring them for support.

Given the breadth and depth of the data collected, the key findings are presented in a two-part series. The first part, summarised in this report, focuses on identifying and analysing key barriers to successful prosecutions and convictions under the Modern Slavery Act. By integrating practitioner perspectives with academic and grey literature, this report aims to inform efforts to strengthen the enforcement of modern slavery legislation in the UK.³ The second part will build on the same interview data, but with a specific focus on financial investigations as a method of pursuing modern slavery offenders.⁴

1.1 Latest law enforcement, prosecution and conviction data

The maximum penalty for offences under the Modern Slavery Act is a life sentence. In 2021, the Sentencing Council released new guidelines on the sentencing of modern slavery offences which aimed to ensure consistent sentencing by considering offender culpability and harm caused. Modern slavery offences are triable 'either way', meaning they can be prosecuted as summary or indictable offences depending on severity. These crimes hold a maximum sentence of life imprisonment with an offence range from high level community order to 18 years' custody.

While the UK Government used to release 'Annual Reports' on modern slavery, the most recent report (as of April 2025) is the 2021 Annual Report on Modern Slavery.⁵ This report highlighted increased funding, with £15 million invested in police responses since 2016. Despite this investment, it remains unclear if it has significantly increased prosecutions and convictions.

According to the Modern Slavery and Organised Immigration Crime Unit, as of June 2024, policing across the UK were dealing with at least 2,497 modern slavery and human trafficking investigations (including crimes committed against both adults and children).⁶ Yet in the year from July 2023 to June 2024, the Crown Prosecution Service (CPS) recorded 467 prosecutions for modern slavery-flagged crimes in England and Wales, of which 355 (76%) resulted in a conviction.⁷ In the same time frame (July 2023 to June 2024), Ministry of Justice statistics note that 114 defendants were proceeded against, 58 were convicted,

3. Future research is planned to build on this report by engaging with people with lived experience to understand their perspectives on barriers to successful prosecutions and convictions.

4. The research was not limited to focus specifically on adult or child victims.

5. Home Office (2021) [2021 UK Annual Report on Modern Slavery](#). Pg 6

6. Modern Slavery and Organised Immigration Crime Unit (July 2024) 'Overview of Live Modern Slavery Investigations in UK Policing June 2024'.

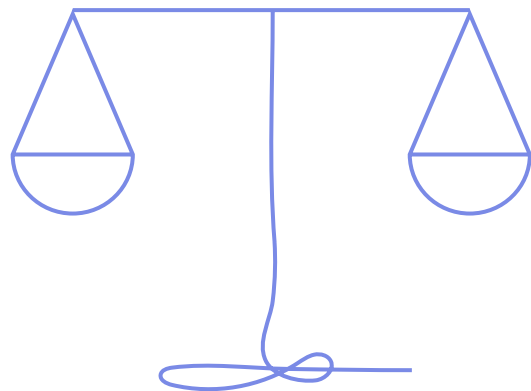
7. Crown Prosecution Service (2024) Prosecution Crime Type Data Tables Q1 24-25. The CPS applies a modern slavery 'flag' to cases that involve modern slavery, and which may have been prosecuted under the MSA or other legislation.

and 58 sentenced for modern slavery offences in England and Wales.⁸ For comparison, in this same time frame of July 2023 to June 2024, there were 17,120 potential victims of modern slavery referred to the National Referral Mechanism across the UK.⁹

The average custodial sentence for the year July 2023 to June 2024 was 63.5 months which is an increase from 58.2 months in the year ending June 2023.¹⁰ This data all indicates that prosecution, conviction and sentencing under the Modern Slavery Act remains low, with a recent report noting the proportion of prosecutions to National Referral Mechanism referrals sitting at 1.8%.¹¹

The remainder of this report considers the Act's impact on prosecutions and convictions, beginning with positive contributions before addressing barriers and strategies for improvement and providing recommendations. It presents findings from the interviews, supported by existing literature on the legal enforcement of modern slavery. The discussion is structured around the following topics:

- Positive impacts of the Modern Slavery Act on prosecutions and convictions
- Key challenges to prosecutions and convictions
- Strategies for improvement
- Recommendations



8. Ministry of Justice (2024) Criminal Justice System Statistics Quarterly: June 2024 Outcomes by Offence Data Tool. Some of the differences between the CPS and MoJ statistics relate to the fact that the CPS statistics are of prosecutions where the case includes a flag for modern slavery, but these numbers will include cases where the prosecution and conviction did not use modern slavery legislation.

9. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK Q3 2023 - Q2 2024 available here: <https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-april-to-june-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2024-april-to-june>
<https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-january-to-march-2024/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-1-2024-january-to-march>
<https://www.gov.uk/government/statistics/modern-slavery-nrm-and-dtn-statistics-october-to-december-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-4-2023-october-to-december>

<https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-july-to-september-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-3-2023-july-to-september>

10. Ministry of Justice (2024) Criminal Justice System Statistics Quarterly: June 2024 Outcomes by Offence Data Tool

11. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

2. Positive impacts of the Modern Slavery Act on prosecutions and convictions

While several reports highlight flaws both on the face of, and in the implementation of, the Modern Slavery Act, it is recognised as a significant milestone in addressing modern slavery in the UK. The Act aimed to provide a comprehensive legislative framework for enhancing prosecution, prevention and protection efforts.¹² Respondents in this study highlighted several positive aspects including the consolidation of offences into a single framework, increased professional awareness of modern slavery, and improvements in investigations and convictions of modern slavery offences. These findings align with broader evaluations praising the Act's role in streamlining legal processes and raising the profile of modern slavery.¹³

2.1 Consolidation of offences

One of the most significant benefits highlighted by respondents was the consolidation of offences into a single legislative framework. This has simplified the identification and application of relevant laws, improving coordination across agencies. The Act has been described as a critical step in aligning modern slavery offences with appropriate legal tools for prosecution.

It helps to have offences in places where you expect them to be.

Lawyer 1

It's all contained within one Act, and I'm happy with how it's written in terms of understanding the offences and matching the crime type and the type of offending to an offence.

Police 3

Having all the legislation under one umbrella is very helpful.

Police 4

12. Van Dyke, R. (2019) The UK's response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) *The Modern Slavery Agenda*. Policy Press p47-74.

13. Haughey, C. (2016) [The Modern Slavery Act Review](#)

Yeah the legislation before was very disparate and we had all the old, old, clunky pieces of legislation, so I think it's much more streamlined.

Police 7

The Act replaced outdated and fragmented legislation, creating a comprehensive framework that enhances accessibility for professionals. By consolidating offences, it aimed to provide a consistent legal basis for tackling modern slavery and improving investigative efficiency,¹⁴ although concerns remain about the lack of definition around 'exploitation'¹⁵ and there are calls to expand the Act to address emerging forms, such as cuckooing, or criminal or online exploitation.¹⁶ However, this does raise concerns about 'exploitation creep'¹⁷ where legal conceptions of human trafficking are broadened to a degree that can blur distinctions between different forms of exploitation.¹⁸

2.2 Impact on investigation and convictions

The Act has had an impact on the investigation and prosecution of modern slavery offences, particularly by providing clearer frameworks and tools for law enforcement and legal practitioners. Section 45, which established a statutory defence for victims of modern slavery compelled to commit criminal acts has also helped to influence investigative methods.¹⁹ As one respondent noted:

section 45 as well, I think massively impacted on the methodology used to investigate trafficking offences.

Police 1

Respondents highlighted that the Act equips law enforcement with the tools needed to build cases and secure convictions:

14. Haynes, J. (2016) The Modern Slavery Act (2015): [A Legislative Commentary](#), *Statute Law Review*, 7(1): 33–56; House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

15. Haughey, C. (2016) [The Modern Slavery Act Review](#)

16. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#) Note that some of these are being addressed with the newly-introduced Crime and Policing Bill.

17. Chuang, J. (2014) Exploitation creep and the unmaking of human trafficking law. *American Journal of International Law*, 108(4), 609–649.

18. Broad, R. and Turnbull, N. (2018) From Human Trafficking to Modern Slavery: The Development of Anti-Trafficking Policy in the UK. *European Journal on Criminal Policy and Research* 25: 119–133.

19. However, there continue to be significant problems with the implementation of s45, see for example Heys, A. (2023) The UK's Statutory Defence for Victims of Modern Slavery and its Narrow Understanding of Victimhood. *The Journal of Criminal Law* 87(4): 237–251; Kidd, A. (2022) [Section 45 of the Modern Slavery Act: evidence review](#)

I think the Modern Slavery Act gives us what we need in policing to make the arrest, to do the investigation, and get it to CPS.

Police 6

One financial expert noted an upward trend in convictions:

It is improving and there are more [convictions] nowadays than there were.

Financial Expert 1

Broader literature supports these observations. Haughey's 2016 review of the Modern Slavery Act noted that although at the time of its publication there was a low base against which to compare, that there had been an encouraging increase in the number of slavery-related prosecutions, convictions and referrals in the year after the introduction of the Act²⁰ (however, the report raises concerns about the drastic increase in reported offending, which left many practitioners poorly prepared to manage this new workload). Yet, as section 1.1 has indicated, ten years on these prosecution and conviction figures don't appear so encouraging.²¹

Haughey's 2016 report does note other positive impacts from the introduction of the Act which has led to more dedicated slavery and trafficking units within police forces, and modern slavery now tends to be treated as a serious crime rather than as a civil or an employment law matter, which was often the case previously with labour exploitation cases.²²

However, despite these positive aspects, the introduction of more recent immigration laws, such as the Nationality and Borders Act (2022) and the Illegal Migration Act (2023), has raised significant concerns, including amongst the House of Lords Modern Slavery Act 2015 Select Committee²³ and in broader academic literature.²⁴ By making it harder for survivors to access support and by placing a greater emphasis on immigration enforcement, these laws, if implemented, risk discouraging survivors from coming forward and weakening efforts to prosecute traffickers.²⁵ However, it must be noted that the Border Security, Asylum and Immigration Bill repeals many, but not all, of the modern slavery measures in the Illegal Migration Act.²⁶

20. Haughey, C. (2016) [The Modern Slavery Act Review](#)

21. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

22. Haughey, C. (2016) [The Modern Slavery Act Review](#)

23. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

24. Oram, S. (2023) Modern Slavery in the United Kingdom: the Illegal Migration Act risks undermining efforts to combat exploitation. *PLoS Medicine* 20(9)

25. Centre for Social Justice (2024) [A Renewed Vision for the Fight Against Modern Slavery in the UK](#); Jovanovic, M. (2023) [Legal Analysis of the Human Rights Compatibility of the Modern Slavery Sections in the Illegal Migration Act \(Sections 22-29\)](#)

26. [Border Security, Asylum and Immigration Bill](#)

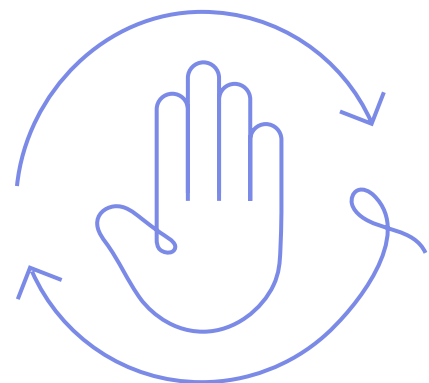
2.3 Generating increased awareness

The Act has played a role in raising awareness among professionals and the public, which is essential for improving the identification and response to modern slavery. One respondent also noted the Act's contribution to this increased awareness, stating:

I would say it's probably highlighted the problem.

Police 2

The Act's impact on awareness has also been emphasised in official reviews, with one stating "The Act and wider work have raised slavery in the consciousness of the general public and practitioners".²⁷ Supporting this, a 2020 report by the Centre for Social Justice found that 63% of the British public reported greater awareness of modern slavery compared to five years earlier, when the Act was introduced.²⁸ The heightened awareness of modern slavery²⁹ has not only informed the public, but has contributed to improved survivor identification and response mechanisms, bolstering efforts to tackle modern slavery.³⁰ By elevating the issue of modern slavery within both public discourse and professional practices, the Modern Slavery Act has thus laid the groundwork for more effective strategies in combatting modern slavery and supporting survivors, though research suggests that this support often continues to fall short.³¹ The following sections explore the key barriers that continue to hinder the Act's full potential in achieving successful prosecutions and convictions.



27. Haughey, C. (2016) [The Modern Slavery Act Review](#) Pg3

28. Centre for Social Justice (2020) [It Still Happens Here](#). Pg15

29. Craig, G., Balch, A., Lewis, H. & Waite, L. (2019) *The Modern Slavery Agenda*. Bristol University Press. Pg 2

30. Haughey, C. (2016) [The Modern Slavery Act Review](#)

31. Schwarz, K., & Williams-Woods, A. (2022). Protection and support for survivors of modern slavery in the UK: assessing current provision and what we need to change. *Journal of Poverty and Social Justice*, 30(2), 98-119.

3. Key challenges to prosecutions and convictions

While the previous section outlined how the Modern Slavery Act provides a useful framework for addressing modern slavery offences, its full potential remains hindered by significant barriers to its effective implementation in prosecutions and convictions.³² This section examines the challenges that undermine the Act's impact, focusing on two key areas: survivor engagement and testimony, and institutional and systemic issues.

Survivor engagement with the criminal justice system remains a critical challenge, with numerous factors complicating the ability to secure survivor cooperation and testimony. Academic literature highlights that survivors may be unwilling to engage with police,³³ with specific attention paid to fear of retaliation from their traffickers or over concerns relating to their immigration status.³⁴ The following sections demonstrate some of the key issues here, beginning with barriers to survivor engagement, including mistrust in the system, fear of retaliation or other consequences, stigma and shame, difficulties in recognising victimhood, and practicalities and logistical obstacles to securing survivor cooperation.

Section 3.2 then goes on to outline how, in parallel, institutional and systemic barriers create further obstacles. These include a lack of practitioner knowledge and resources, time and the complexity of modern slavery cases, and the risks of low sentences or charges for lesser offences undermining the system's credibility.

Collectively, these barriers highlight the pressing need for structural improvements to ensure the Modern Slavery Act can deliver on its promise of enhancing support and protection for survivors, while ensuring that perpetrators receive suitably severe punishments.

32. Van Dyke, R. (2019) The UK's response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) *The Modern Slavery Agenda*. Policy Press p47-74.

33. Schwarz, K., and Williams-Woods, A. (2022) Protection and Support for Survivors of Modern Slavery in the UK: Assessing Current Provision and What We Need to Change. *Journal of Poverty and Social Justice* 30(2), 98-119; Haughey, C., Brewer, P., Brewer, M., & Douglas-Jones, B. (2020) Investigating trafficking and exploitation offences. In Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) *Human trafficking and modern slavery law and practice* London: Bloomsbury Professional

34. Van Dyke, R. (2019) The UK's response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) *The Modern Slavery Agenda*. Policy Press p47-74; Hodkinson, S. N., Lewis, H., Waite, L., & Dwyer, P. (2021). Fighting or fuelling forced labour? The Modern Slavery Act 2015, irregular migrants and the vulnerabilising role of the UK's hostile environment. *Critical Social Policy*, 41(1), 68-90.

3.1 Survivor engagement and testimony

Reasons for survivors' reticence to engage with the criminal justice system are not unique to modern slavery and are well-documented in extant literature.³⁵

One respondent listed a number of issues that may prevent engagement:

The main issue with a modern slavery investigation is that victims generally don't give an account, especially those who are victims of sexual exploitation. And that's due to a number of issues that we all know about, but it's down to the trauma, lack of confidence in the police and the continuing sort of threats they may be receiving, or their families may be receiving by the offenders.

Police 3

This section explores the key barriers to engagement as identified by respondents, supported by relevant academic and grey literature.³⁶ It is important to emphasise that while survivor engagement and testimony remains the focus of this section, the barriers to engagement are predominantly caused directly by systemic issues, which are outlined in further detail in section 3.2.

3.1.1 Systemic failures in earning trust

A pervasive mistrust of the criminal justice system among survivors of modern slavery is a significant barrier to their engagement in investigations and prosecutions and is a problem caused by systemic failures. This mistrust arises from various factors, including past experiences (especially in their home countries), manipulation by traffickers, and systemic issues within the UK's legal and immigration frameworks.³⁷

35. See, for example Coleman, C. and Moynihan, J. (1996) Understanding Crime Data: haunted by the dark figure. Buckingham: Open University Press; Maguire, M. (1997) Crime Statistics, Patterns and Trends: Changing Perceptions and their Implications. In M. Maguire, R. Morgan and R. Reiner (eds.) The Oxford Handbook of Criminology (2nd ed.) Oxford: Oxford University Press: 135-219. As well as literature more specific to modern slavery: Schwarz, K., and Williams-Woods, A. (2022) Protection and Support for Survivors of Modern Slavery in the UK: Assessing Current Provision and What We Need to Change. Journal of Poverty and Social Justice 30(2), 98-119; Haughey, C., Brewer, P., Brewer, M., & Douglas-Jones, B. (2020) Investigating trafficking and exploitation offences. In Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human trafficking and modern slavery law and practice London: Bloomsbury Professional: 569-585.

36. Future research by the Modern Slavery Policy and Evidence Centre is planned to build on this with research that explores survivor opinions on barriers to engagement.

37. Green, S., Heys, A. (2024). The Case of the "Missing Victims" of Modern Slavery: A Comparison with Domestic Abuse. In: Krambia Kapardis, M., Clark, C., Warria, A., Dion, M. (eds) The Palgrave Handbook on Modern Slavery. Palgrave Macmillan, Cham: 359-380; Organization for Security and Co-operation in Europe (2023) [Putting Victims First: The 'Social Path' to Identification and Assistance](#). Vienna, OSCE.

Literature also highlights how corruption or abuse in their home countries may lead survivors to have ingrained fears of law enforcement.³⁸ This was reinforced by the respondents.

some will have fear of the police.

Financial Expert 2

their personal views of the police may be in their own country, which may come forward to their opinions of us in this.

Police 5

a lot of victims are scared of law enforcement because of what they've been told by their perpetrators, and perhaps from what they've seen from their home countries.

Police 4

Traffickers exploit these fears, warning survivors that seeking help will lead to arrest, deportation, or harm:³⁹

People lie in order to achieve control. If you go to the police, x will happen. If you go to the police, no one will believe you. If you go to the police, I own the police and I've bribed them and they do what I ask. And those are kind of hurdles that we need to overcome.

Lawyer 2

The UK's hostile environment around immigration exacerbates this distrust,⁴⁰ with legislation such as the Nationality and Borders Act (2022) and the Illegal Migration Act (2023) framing victims as potential offenders as opposed to individuals in

38. Fletcher, L. E., Bales, K., & Stover, E. (2005) Hidden slaves: forced labor in the United States Berk. Journal of International Law 23 (1): 47-111; Centre for Social Justice and Justice and Care. (2020) [It Still Happens Here](#); Centre for Social Justice (2024) [A Renewed Vision for the Fight Against Modern Slavery in the UK](#)

39. Zahir, H., Southwell, P., Brewer, P. & Harvey, S. (2020) Trafficking Operations and Modus Operandi. In: Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human Trafficking and Modern Slavery Law and Practice. London: Bloomsbury Professional, pp. 533-562.

40. Hodkinson, S. N., Lewis, H., Waite, L., & Dwyer, P. (2021). Fighting or fuelling forced labour? The Modern Slavery Act 2015, irregular migrants and the vulnerabilising role of the UK's hostile environment. Critical Social Policy, 41(1), 68-90; Barber, T., Nguyen, H., & Van Nguyen, P. (2023). Integration Beyond 'modern Slavery': Vietnamese Experiences of Agency and Precarity in the UK Immigration System. Policy, 521, 544.

need of protection.⁴¹ The latter includes provisions, not implemented at the time of writing, to deny modern slavery support to anyone entering the UK illegally, making it exceedingly difficult for such victims to assist criminal investigations,⁴² however the proposed Border Security, Asylum and Immigration Bill will repeal this measure.⁴³

This distrust is reinforced by survivors' concerns about law enforcement collaboration with immigration authorities and concerns have been raised about immigration legislation limiting the access that survivors of modern slavery have to support.⁴⁴ As one respondent noted, "I think there's that concern of victims coming to us and engaging because [they believe] we're in cahoots with immigration." (**Police 6**) This perception of immigration enforcement being prioritised over survivor support risks deterring cooperation with investigations.⁴⁵

Literature notes concerns that for some survivors, the first time resources are available to engage with them is when they are criminalised as offenders.⁴⁶ This approach means that survivors may also fear being misunderstood or criminalised, particularly in cases of criminal or sexual exploitation where they may have previously been treated as offenders.⁴⁷

Some foreign nationals for whatever reason, they view the British police in the same way that the view of their own back home, certainly with our victims of sexual exploitation, they're more used to being arrested [for prostitution offences].

Police 2

I can't imagine many people would be keen to turn around and give assistance once they've been treated as a perpetrator.

Lawyer 1

41. Oram S (2023) Modern slavery in the United Kingdom: The Illegal Migration Act risks undermining efforts to combat exploitation. *PLoS Medicine* 20(9).

42. Jovanovic, M. (2024) [Legal Analysis of Section 63 of the Nationality and Borders Act 2022 and modern slavery statutory guidance](#). Also, note that the Border Security, Asylum & Immigration Bill was published on 30th January 2025 and repeals many of the provisions of the Illegal Migration Act that could deny support to survivors if these provisions were enforced.

43. [Border Security, Asylum and Immigration Bill](#)

44. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

45. Organization for Security and Co-operation in Europe (2023) [Putting Victims First: The 'Social Path' to Identification and Assistance](#). Vienna, OSCE.

46. Barlow, C. (2024) *The Complexities of Human Trafficking and Exploitation: the circles of analysis*. Bristol: Bristol University Policy Press; Barlow, C. (2022) *Victims Perpetrating a Crime: A Critique of Responses to Forced Criminality and Modern Slavery in the UK Courts*. In: C. Murphy, R. Lazzarino & Hodges, eds. *Modern Slavery and Human Trafficking: The Victim Journey*. London: Policy Press.

47. Burland P. Still punishing the wrong people: the criminalisation of potential trafficked cannabis gardeners. In: Craig G, Balch A, Lewis H, Waite L., (eds.) *The Modern Slavery Agenda: Policy, Politics and Practice in the UK*. Bristol University Press; 2019:167-186.

Structural challenges within the criminal justice system, including a lack of cultural competence, ineffective communication, and inadequate survivor support further undermine trust,⁴⁸ and disclosing traumatic experiences to unfamiliar individuals is often distressing even without these compounding issues.

Police do not have the cultural competence or knowledge to understand what the dynamic in the situation is.

Police 1

A lot of the time they won't have met the person who is going to be representing them in court ever before...It is often the most junior barristers going along to the Magistrates' Court to do the first appearance...people aren't always that willing to give the level of detail that you need to a complete stranger who they've never met before!

Lawyer 1

Rather than supporting survivors, the system frequently subjects them to poor, or even punitive treatment, including “an element of victim-blaming” (**Police 5**), or a lack of sensitivity, with one respondent noting “There is too much pressure on victims”. (**Police 2**)

These insights offer an illustration as to how the criminal justice system disincentivises survivors from engaging with it. The systemic and legislative factors highlight the urgent need for reforms to rebuild trust, ensure survivor-centred practices, and address barriers to engagement. Without these changes, underreporting, hindered investigations, and reduced opportunities for justice will persist, undermining the Modern Slavery Act’s potential for effective implementation.

3.1.2 Fear of retaliation or other consequences

Another common theme identified by respondents as to why survivors may be reluctant to engage with the criminal justice system was fear. This fear is predominantly linked to concerns about repercussions from perpetrators, a “fear of the people that have trafficked them” (**Financial Expert 2**). Such fear

48. Murphy, C., Brachou, A., Karra, E. & Lazzarino, R. (2024) [Cultural influences and cultural competency in the prevention and protection of survivors of modern slavery and human trafficking: insights from the UK and Albania](#); Shirgholami, Z., King, P., Omole, D. & Brierley, R. (2024) [Cultural competency in UK responses to modern slavery](#); Schwarz, K., & Williams-Woods, A. (2022). Protection and support for survivors of modern slavery in the UK: assessing current provision and what we need to change. *Journal of Poverty and Social Justice*, 30(2), 98-119; Fitzsimons, E. & Brewer, M., 2020. Determination of Trafficking Status. In: Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) *Human Trafficking and Modern Slavery Law and Practice*. London: Bloomsbury Professional, pp. 19- 103.

often goes beyond their own physical safety, encompassing broader concerns about their loved ones. As one legal professional explained, survivors may worry about “risk that might come to them and their family” (**Lawyer 1**), and another commented that this fear often stems from “the continuing sort of threats they may be receiving, or their families may be receiving by the offenders” (**Police 3**).

One participant highlighted “threats being made to people in another country” (**Police 1**). This global reach of intimidation can make survivors feel that neither physical distance nor law enforcement can provide adequate protection for them or their families, creating an environment of constant anxiety that inhibits engagement with the criminal justice system. As the Organization for Security and Co-operation in Europe (OSCE) reports, many survivors decline cooperation not because they are unwilling, but because they lack assurances of protection, particularly from retaliation.⁴⁹

These findings underline the significant power perpetrators continue to wield over their victims, even after exploitation has ended,⁵⁰ and this enduring fear serves as a substantial barrier to engagement with the criminal justice process. To address this challenge, it is essential for support systems to prioritise survivor protection and ensure that engagement with the criminal justice system is not a prerequisite for receiving protection.⁵¹

3.1.3 Cultural pressures: Stigma and shame, and challenges of recognising victimhood

Alongside fear, there are other emotional barriers that can prevent people with lived experience from coming forward. Feelings of stigma and shame can play a crucial role,⁵² and some victims do not identify themselves as such. These interconnected challenges further compound the difficulties survivors face in navigating the justice process.

There are complex interplays of emotion in situations of extreme exploitation, where individuals may feel “shame because they’ve been exploited” (**Lawyer 2**). Another participant also noted that there are “stigmas and stereotypes and that kind of stuff. And so when you’re put in front of a jury of your peers, oftentimes

49. Organization for Security and Co-operation in Europe (2023) [Putting Victims First: The ‘Social Path’ to Identification and Assistance](#). Vienna, OSCE.

50. Green, S., Heys, A. (2024). The Case of the “Missing Victims” of Modern Slavery: A Comparison with Domestic Abuse. In: Krambia Kapardis, M., Clark, C., Warria, A., Dion, M. (eds) *The Palgrave Handbook on Modern Slavery*. Palgrave Macmillan, Cham: 359–380.

51. Organization for Security and Co-operation in Europe (2023) [Putting Victims First: The ‘Social Path’ to Identification and Assistance](#). Vienna, OSCE.

52. Heys, A., Barlow, C., Murphy, C., & McKee, A. (2022). A Review of Modern Slavery in Britain: Understanding the Unique Experience of British Victims and Why it Matters. *Journal of Victimology and Victim Justice*, 5(1), 54–70; Miller-Perrin, C. & Wurtele, S. (2017) Sex Trafficking and the Commercial Exploitation of Children. *Women and Therapy*. 40(1-2), 123–151.

you have people that don't understand what this looks like." (**Survivor/NGO**). These emotions may prevent individuals from alerting anyone else to their experiences and seeking help, especially when they perceive their exploitation as the least bad option compared to previous circumstances, or when the victim has a complex relationship with their perpetrator that makes it difficult to identify that they are being exploited.⁵³

Recognising victimhood is therefore a significant challenge in cases of modern slavery, particularly where an abuser exploits a position of vulnerability, leaving victims unable or unwilling to identify themselves as such.

Victims in modern slavery cases...struggle for a variety of reasons and on occasion to recognise that they are victims...Sometimes where they are in that trafficked environment or exploitative environment is the least worst option. We need to recognise that often victims may not immediately or ever want to engage with the process

Lawyer 2

This can lead to victims placing trust in their exploiters, creating a bond that complicates identification and intervention efforts. As one respondent noted: "Victims end up trusting their exploiters" (**Police 2**). Moreover, another observed that "a lot of a lot of people don't identify as being victims" (**Police 4**).

Many victims do not self identify as victims...[and there is] this deep mistrust in the criminal justice system.

Survivor/NGO

Very rarely there's a victim from the outset that says I'm victim of modern slavery... so we don't expect them tell us on the first or second visit what's going on.

Police 1

These insights underline the complexity of supporting individuals who may not see their circumstances as exploitative, necessitating nuanced and empathetic approaches to foster recognition and engagement.

53. Barlow, C. (2024) The Complexities of Human Trafficking and Exploitation: the circles of analysis. Bristol: Bristol University Policy Press; Centre for Social Justice and Justice and Care. (2020) [It Still Happens Here](#); Haughey, C., Brewer, P., Brewer, M., & Douglas-Jones, B. (2020) Investigating trafficking and exploitation offences. In Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human trafficking and modern slavery law and practice: 569-585. London: Bloomsbury Professional. Papadaki, H. (2020) [Underground Lives: Criminal Exploitation of Adult Victims](#)

3.1.4 Practical and logistical difficulties that undermine survivor cooperation

The challenge of survivors not recognising themselves as such is compounded by the practical and logistical challenges of engaging with the criminal justice process. Respondents in this research, and wider literature, have highlighted the diverse barriers survivors face, including reactions to how they present in court, the impact of trauma, and the significant practical obstacles that hinder ongoing cooperation.⁵⁴

Court responses to survivor presentation and trauma

Academic literature highlights how responses to modern slavery are often based on flawed assumptions about those that have been exploited.⁵⁵ These societal expectations of the presentation of victimhood can therefore impact court proceedings if survivors of modern slavery do not fit preconceived notions of how survivors 'should' appear or behave. As **Lawyer 1** explained "your victims are rarely how you would expect a victim to be...you are always sat worrying what's the jury going to think of this kid?". Trauma,⁵⁶ often compounds these challenges, influencing how survivors present and their ability to provide consistent accounts. This can result in survivors being unfairly perceived as unreliable, as one respondent noted:

So where someone is unable to remember you know, certain details, or they, they just appear, you know, disjointed in the memory, that is not counted as evidence that it didn't happen, because it could be evidence that it did happen. So those of us that understand trauma understand this.

Police 1

54. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

55. Barlow, C. (2024) *The Complexities of Human Trafficking and Exploitation: the circles of analysis*. Bristol: Bristol University Policy Press

56. Wright, N., Hadziosmanovic, E., Dang, M., Bales, K., Brookes, C., Jordan, M., Slade, M. & Lived Experience Research Advisory Board (2020) Mental health recovery for survivors of modern slavery: grounded theory study protocol. *British Medical Journal Open*. 10(11); Evans, H., Sadhwani, s., Sing, N., Robjant, K. & Katona, C. (2020) Prevalence of complex post-traumatic stress disorder in survivors of human trafficking and modern slavery: a systematic review. *The European Journal of Psychiatry*. 36(2): 94-105

Practitioners may underestimate the impact of trauma: “[T]he trauma that victims go through, I don’t think is fully appreciated by police officers, you know, investigators, prosecutors or whatever.” **Police 2**. This can be especially problematic when memory gaps, a documented symptom of trauma,⁵⁷ lead to discrepancies in accounts. One participant highlighted these issues in practice:

It all went wrong at court because they [the victim] couldn’t remember and their accounts were different... Well, it’s very difficult for them as victims. In sexual assault cases, we’re now more understanding of how victims’ recollection may change over time—their vulnerabilities, their ability to recall events, maybe they can’t even recall what’s happened because they’ve blocked it away yet. Well, this type of crime type [modern slavery], we don’t seem to be grasping that.

Police 5

This disconnect between the needs of survivors and the expectations of law enforcement can create significant challenges. Trauma often forces survivors to prioritise immediate survival over engaging with the justice process,⁵⁸ as one respondent explained:

When you are in a state of trauma. And, you know, scared. And you don’t know where you’re sleeping tomorrow. It’s really hard to navigate that. And the expectation is that you navigate it by yourself.

Survivor/NGO

As such, law enforcement timelines often conflict with the needs of survivors, who may require time to process their experiences before engaging.⁵⁹ One respondent captured this tension:

57. Watkins, L. E., Sprang, K. R. & Rothbaum, B. O. (2018) Treating PTSD: A Review of Evidence-Based Psychotherapy Interventions. *Frontiers in Behavioral Neuroscience* 2(12):258; Otgaar, H., Muris, P., Howe, M. L. & Merckelbach, H. (2017) What Drives False Memories in Psychopathology? A Case for Associative Activation. *Clinical Psychological Science* 5(6):1048–1069.

58. Organization for Security and Co-operation in Europe (2023) [Putting Victims First: The ‘Social Path’ to Identification and Assistance](#). Vienna, OSCE.

59. Lightowlers, C., Broad, R., & Gadd, D. (2024). Temporal measures of modern slavery victimisation. *Criminology & Criminal Justice*, 24(1), 79–97; Magugliani, N., Trajer, J. & Gauci, J. (2024) [Assessing the modern slavery impacts of the Nationality and Borders Act 2022: one year on](#).

There's a number of factors that come into getting a victim on board... Whereas for the victim they might need a couple of years to process what's happened to them, especially if they've been through a huge amount of trauma. So there's that real rub between our requirements as the police and the evidence that we need.

Police 4

Logistical barriers and lengthy processes

Even when survivors overcome emotional and psychological barriers to engage initially, practical and logistical challenges often impede their ability to sustain cooperation.⁶⁰ Respondents pointed to the protracted nature of investigations and trials as a major concern:

a two year investigation and then you're waiting then for a court date.

Police 3

investigations and like, trials can take years... it's just so unreasonable to expect somebody to have their life on hold for three to five years and really ultimately for what...? There's nothing really tangible that often comes out of it, even if there's, like a civil suit and the traffickers ordered to pay money like. Victims don't often get that money, and so it's like, why am I spending all of this time and energy and being retraumatised over and over and over again. For what? Like I could just move on with my life and heal and, you know, provide for my family.

Survivor/NGO

Lengthy timelines can erode trust in the system, especially when survivors are expected to repeatedly recount their experiences or attend court over extended periods. Court dates are sometimes set years in advance, adding further strain. One respondent described the difficulty of maintaining consistent contact with survivors during these prolonged investigations:

60. Dando, C. J., Brierley, R., Saunders, K. & Mackenzie, J. (2019) Health inequalities and health equity challenges for victims of modern slavery, *Journal of Public Health* 41(4): 681-688.

it's also trying to keep that victim because a lot of the time, once you've spoken to them and then you have no grounds to keep them, then they disappear and then trying to find them is just nigh on impossible then.

Financial Expert 2

This issue of lengthy timelines has also been raised in recent reports.⁶¹

Additional logistical barriers, such as language issues and limited access to resources, compound the challenges faced by survivors. Without basic support mechanisms, survivors remain vulnerable and disconnected:

[T]heir first language wasn't necessarily English, didn't have access to their own funds. So those two factors alone make them very vulnerable individuals.

Police 5

Pressure on survivors

The cumulative effects of these barriers often place overwhelming pressure on survivors, which can lead them to disengage entirely. "There is too much pressure on victims" (**Police 1**). Another respondent explained how the demands of the legal process can outweigh the perceived benefits of securing a conviction: "To try and keep the victims on board for that long... it's a massive, massive problem." (**Financial Expert 1**)

Even when practitioners successfully navigate emotional and psychological barriers to engage survivors initially, ongoing cooperation is often impeded by practical challenges. Addressing these issues requires a nuanced, trauma-informed approach that prioritises survivor needs while recognising the broader systemic barriers undermining trust in the process.

61. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

3.2 Institutional and systemic issues

The issues relating to survivor engagement and testimony as outlined in the previous section do not sit in isolation but are intrinsically linked to institutional and systemic shortcomings within the criminal justice framework. This section examines these issues to highlight how they exacerbate challenges in achieving justice for survivors of modern slavery. Key concerns include gaps in practitioner knowledge, insufficient resources, the protracted timelines and complexity of cases, and the use of low sentences or lesser offences that undermine the system's credibility. Addressing these systemic barriers is critical to improving efficiency, ensuring perpetrators are held accountable, and providing better support for survivors.

3.2.1 Lack of knowledge and resources

A recurring theme among respondents was a lack of knowledge among professionals as a critical barrier to securing convictions under the Modern Slavery Act. This was described both in terms of limited understanding of the Act itself and a lack of awareness regarding how modern slavery manifests and its inherent complexities.

Concerns were raised about how insufficient knowledge among lawyers and investigators limits the Act's effectiveness.

A lot of people still don't really know how to use it [the Modern Slavery Act].
Financial Expert 2

The Modern Slavery Act section one and two are fit for the purpose for which it is intended. The fact that people are not informed and educated in applying it properly, and the fact that it is being conflated with an immigration issue is diluting its power and effectiveness.

Lawyer 2

The lack of understanding extends to recognising the nuances of modern slavery itself. As one respondent observed:

[There is] a lack of general understanding maybe about what slavery actually is. You know, you don't have to be locked in a cage to be a victim of modern slavery. And you know, maybe the person did have free access to and from their address, but was controlled in another way.

Police 5

This challenge also affects the judiciary and other legal practitioners, who may lack the knowledge needed to handle modern slavery cases effectively:

[We need] judicial understanding and practitioner understanding. I still think my profession, and by that I mean lawyers, are naive and ill-informed and frankly don't think out-of-the-box.

Lawyer 2

I think there's still a lack of understanding with the judiciary and the CPS.

Police 7

So you don't get senior officers who have got the understanding of safeguarding and understanding of serious organised crime, and therefore modern slavery misses out.

Police 3

Calls for better training have been consistent since the Act's introduction,⁶² with academic literature also highlighting low levels of awareness.⁶³ The 2016 review by Caroline Haughey recommended that law enforcement agencies should "provide frontline staff with the right tools, training and processes to do the job."⁶⁴ Subsequent reports, such as those from the Centre for Social Justice and Justice and Care, have also emphasised the need for specialist training for investigating officers, prosecutors, and judges, alongside operational reforms to enhance conviction rates.⁶⁵

62. Haughey, C. (2016) [The Modern Slavery Act Review](#); Field, F., Butler-Sloss, E. & Miller, M. (2019) [Independent Review of the Modern Slavery Act 2015: Final Report](#).

63. Schwarz, K., and Williams-Woods, A. (2022) Protection and Support for Survivors of Modern Slavery in the UK: Assessing Current Provision and What We Need to Change. *Journal of Poverty and Social Justice* 30(2), 98-119; Van Dyke, R. (2019) The UK's response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) *The Modern Slavery Agenda*. Policy Press p47-74.

64. Haughey, C. (2016) [The Modern Slavery Act Review](#)

65. Centre for Social Justice and Justice and Care. (2020) [It Still Happens Here](#); Centre for Social Justice and Justice and Care. (2023) [Slavery at Home: a new bill to tackle slavery in Britain](#)

Perhaps unsurprisingly, a lack of resources for professionals emerged as another dominant theme among the participants which has also been raised in the literature.⁶⁶ This concern was particularly acute among police respondents, who emphasised the cyclical relationship between low conviction rates and insufficient resourcing. Without prioritisation and adequate funding, investigations into modern slavery remain under-supported which makes convictions less likely but, in-turn, low-conviction rates reinforce the idea the modern slavery does not require prioritisation:

It's not just about having an act that gets you the prosecutions, it's having the resources to deal with it.

Police 3

It needs a team approach, so it's resources that will bring results, not legislation.

Police 3

Police officers have a limited team to investigate it. As general awareness improves, more NRM referrals are made, but this isn't necessarily reflected in police staffing levels.

Police 5

This lack of resources perpetuates a vicious cycle, where low conviction rates further deprioritise modern slavery investigations, making it increasingly difficult to allocate the necessary attention and resources to these complex cases.

3.2.2 Time and complexity of cases and the criminal justice process

The lack of professional knowledge about modern slavery, as outlined above, links directly to another significant barrier to securing convictions: the complexity of modern slavery cases. These cases often involve large, complex networks, cross-border activities, and multiple forms of exploitation, all of which demand extensive resources, expertise, and coordination to understand and effectively respond to. This is particularly relevant in cases with an international dimension,

66. Van Dyke, R. (2019) The UK's response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) The Modern Slavery Agenda. Policy Press: 47-74.

where differing laws, working practices, and systems across countries add layers of complexity.⁶⁷

We need better bilateral working relationships.

Financial Expert 2

Respondents shared examples of both offenders and survivors moving between UK police force boundaries or even across international borders, compounding the difficulty of assigning responsibility for cases. Specific challenges arise when the countries involved have limited agreements with the UK, restricting the sharing of intelligence and evidence. As **Police 1** noted, there are “Different laws in different countries and different working practices and that coordination is time consuming.”

Beyond international complications, the sheer volume of evidence in modern slavery investigations can also contribute to delays. One respondent explained the time-intensive nature of analysing digital evidence:

It is expensive and takes ages, takes weeks and months to download a phone, and then you get 20,000 text messages in Polish. You then have to get them interpreted and work out which ones are relevant to an investigation.

Police 3

The protracted nature of investigations not only delays justice but also impacts survivor engagement, as emphasised in earlier sections.⁶⁸ One respondent highlighted the difficulty of maintaining contact with survivors over such long timelines, particularly when they have been repatriated:

Modern slavery cases are slow and lengthy, which can make it challenging to stay in touch with victims, especially those who have been repatriated.

Police 7

67. Patterson, C., Severns, R. & Brogan, S. (2020) [Transnational investigation of organised modern slavery: what works?](#); Skrivankova, K. (2019) The UK’s approach to tackling modern slavery in a European context. In Craig, G., Balch, A., Lewis, H. & Waite, L. (eds) *The Modern Slavery Agenda*: 243–260.

68. Haughey, C., Brewer, P., Brewer, M. & Douglas-Jones, B. (2020) Investigating Trafficking and Exploitation offences. In: Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) *Human Trafficking and Modern Slavery Law and Practice*. s.l.:Bloomsbury Professional: 569–585.

One police officer described a case that began in 2018, concluding 2023. These delays not only hinder the delivery of justice, but also pose significant challenges in maintaining survivor engagement throughout the process.⁶⁹

‘Time’ as an issue is not merely related to the lengthy investigative process, but also to the overburdened system leading to significant delays between investigations and trials. A financial expert recounted an investigation that concluded in 2023 but had a trial date set for 2025, illustrating the extended timelines often involved.

The length of investigations and trials also places significant pressure on survivors, who may feel overwhelmed by repeated requests for testimony: “The CPS had requested us to do an ABE [Achieving Best Evidence] interview with one of our victims on four occasions.” (**Police 2**) Such demands can lead survivors to disengage, particularly when the process feels unending or when they perceive little likelihood in securing a conviction.⁷⁰ This is compounded by the system’s heavy reliance on victim testimony to build cases. Academic literature notes that victim cooperation in criminal investigations is often essential for a positive outcome,⁷¹ and respondents raised the concern that “There is too much reliance on victim testimony.” (**Police 5**)

This dependency not only risks overburdening survivors but also creates challenges for prosecutors when survivors are unwilling or unable to engage due to trauma, fear or logistical barriers. The combination of case complexity, lengthy timelines, and reliance on testimony underscores the need for systemic reforms to streamline processes and reduce the burden on survivors. Without addressing these issues, the criminal justice system will continue to struggle with the effective prosecution and conviction of modern slavery offenders.

69. Haughey, C., Brewer, P., Brewer, M. & Douglas-Jones, B. (2020) Investigating Trafficking and Exploitation offences. In: Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human Trafficking and Modern Slavery Law and Practice. s.l.:Bloomsbury Professional: 569-585.

70. Haughey, C., Brewer, P., Brewer, M. & Douglas-Jones, B. (2020) Investigating Trafficking and Exploitation offences. In: Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human Trafficking and Modern Slavery Law and Practice. s.l.:Bloomsbury Professional: 569-585.

71. Van Dyke, R. (2019) The UK’s response to modern slavery: law, policy and politics. In Craig, G., Balch, A., Lewis, H., and Waite, L. (eds) The Modern Slavery Agenda. Policy Pres: 47-74.

3.2.3 Low sentences or lesser offences undermining the system's credibility

Delays in investigations and prosecutions not only challenge the effective implementation of the Modern Slavery Act but also intersect with broader concerns about the outcomes of cases when they do reach court. Even when prosecutions are successful, respondents pointed to the use of lesser offences or the imposition of low sentences⁷² as risks that could undermine the credibility of the justice system.

A recurring theme identified by respondents was the continued reliance on other pieces of legislation to prosecute offences that overlap with elements of modern slavery; this approach raises several significant concerns. First, when modern slavery offences are prosecuted under alternative legislation, the penalties may not reflect the severity of the crime, particularly compared to the sentences available under the Modern Slavery Act, which carries a maximum penalty of life imprisonment. Second, prosecuting modern slavery offences using other legislation could lead to an underrepresentation of the true scale of prosecutions of those who have committed these crimes, potentially impacting future resource allocation and funding for investigations. Finally, the use of alternative legislation prevents the application of ancillary orders, such as slavery and trafficking prevention or reparation orders, which are unique to the Modern Slavery Act but remain underused.⁷³

There's still a degree of odd overlap between existing structures and the offences. For example, sentencing in drugs offences where a perpetrator has been 'exerting pressure' or controlling or directing people below them in the chain, they won't necessarily be charged with a modern slavery offence.

Lawyer 1

Offences tend to be prosecuted under other pieces of legislation, such as kidnap or sexual offences.

Police 1

72. Douglas-Jones, B., Brewer, M. & Bowen, P. (2020) Criminal Offences of Trafficking. In Southwell, P., Brewer, M. & Douglas-Jones, B. (eds) Human Trafficking and Modern Slavery Law and Practice. s.l.:Bloomsbury Professional: 129-161.

73. Slavery and trafficking prevention orders can impose prohibitions on the defendant to stop them doing anything listed in the order. The prohibitions are associated to the activities related to the roles the defendant played in the offence. Slavery and trafficking reparation orders require the recipient of the order to pay compensation to the victim for harm resulting from the offence. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

I certainly don't come across many modern slavery indictments on a day-to-day basis, and even ones where I have done, they're generally not the lead offences on there.

Lawyer 1

Another concern raised was the high evidentiary threshold required for the Crown Prosecution Service (CPS) to accept a charge under the Modern Slavery Act. Respondents suggested that some officers may avoid pursuing modern slavery charges due to a perception that they would be difficult to secure:

Police officers I think are a bit reluctant then sometimes 'oh we're not going to get this to CPS, they're not going to be interested in this'.

Police 6

Further compounding these challenges are the low sentences often handed down to offenders convicted under the Modern Slavery Act. Although the Act permits a maximum life sentence, the average custodial sentence for the year July 2023 to June 2024 was 63.5 months which is an increase from 58.2 months in the year ending June 2023.⁷⁴ Respondents expressed frustration that these sentences fail to reflect the gravity of the crimes or the resources required to investigate and prosecute them, with one respondent noting that low sentences highlight that the crime type is not a priority (**Police 2**).

Well I don't think the sentencing in particular is reflective of the harm caused by the offending or of the amount of resources that go into a modern slavery investigation. And I think that view is shared by pretty much everyone who has worked on a modern slavery investigation.

Police 1

[I]f sentences are low forces are saying why are we doing two years' work to get an 18 month sentence. It's pointless we're not doing that again.

Police 3

74. Ministry of Justice (2024) [Criminal Justice System Statistics Quarterly: June 2024 Outcomes by Offence Data Tool](#)

Low sentences and reliance on lesser offences risk discouraging survivor engagement, as survivors may feel the time and emotional burden of engaging in the criminal justice process is not reflected in the outcomes. Respondents commented that survivors are seeing offenders receiving low sentences (**Police 2**) and that this can discourage people from testifying (**Survivor/NGO**).

Low conviction rates lead to victims saying “Why should I put myself in danger if we’re not getting this case to court?”.

Police 6

The practice also distorts crime figures. For example, if a charge for controlling prostitution for gain is accepted instead of for a modern slavery offence, the crime will be recorded under the former category, reducing the apparent prevalence of modern slavery cases. This misrepresentation can further affect resource allocation for future investigations as noted above.

Yet this issue of misrepresentation extends beyond statistical impact to how survivors perceive themselves and are perceived by others. One respondent shared a case involving modern slavery for sexual exploitation:

But at court the prosecution, defence were doing a deal and getting their prosecution for controlling prostitution, and then getting 12 months suspended, which is a waste of time. In one case the victim said, I don’t understand, I’m not prostitute.

Police 3

This example illustrates the distress that survivors may feel when their experiences are reframed under lesser offences. Such outcomes not only misrepresent their exploitation but can also have ongoing repercussions for their recovery and relationships with family and friends.⁷⁵

A key benefit of the Modern Slavery Act is the possibility of imposing slavery and trafficking prevention or reparation orders. However, when a modern slavery offence results in a conviction for a different offence (such as controlling prostitution for gain as illustrated in the case above), these ancillary orders are not available for use.

75. Kidd, A., (2019) The Dynamics of Contemporary Slavery and Conflict: Agency, Asylum and Accountability. Thesis: University of Hull

Respondents' concerns about low sentences and the frequent use of lesser offences underscore a broader issue: legislation can only be effective if it is widely known, understood, and properly implemented. This has been a persistent challenge since the Act's introduction. Haughey's 2016 review observed that "Few [CPS lawyers] had had any training prior to undertaking their first cases in this area of criminality,"⁷⁶ while the 2019 review of the Modern Slavery Act noted that "All of our Expert Advisers reported limited understanding of modern slavery among law enforcement and criminal justice practitioners."⁷⁷ The House of Lords Modern Slavery Act Committee also raised attention to the need for better and more consistent training for those responding to survivors.⁷⁸

Without addressing these longstanding issues, the credibility of the Modern Slavery Act and the trust of survivors in the justice system risk being further undermined. The responses from participants highlight the need for a deeper understanding of what a successful outcome looks like from the perspective of those with lived experience. This includes assessing whether, for example, prioritising more convictions for lesser offences, or focusing on longer sentences and ancillary orders under the Modern Slavery Act, would best meet survivors' needs and support their recovery.⁷⁹



76. Haughey, C. (2016) [The Modern Slavery Act Review](#)

77. Field, F., Butler-Sloss, E. & Miller, M. (2019) [Independent Review of the Modern Slavery Act 2015: Final Report](#).

78. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

79. Note that the Modern Slavery Policy and Evidence Centre have plans to undertake this research.

4. Strategies for improvement and promising practices

Section 3 of this report has outlined the key findings from this research and from existing literature, identifying some of the key challenges to securing prosecutions and convictions under the Modern Slavery Act. Focusing on the issues highlighted above, relating to institutional and systemic barriers which prevent survivor engagement, this section explores potential strategies for improvement. It examines how systemic changes could be made to enhance survivor cooperation, strengthen institutional capacity, and it considers alternative routes to prosecution that may reduce reliance on victim testimony.

4.1 Strengthening survivor engagement

Having identified some of the barriers to the provision of assurances for survivors to engage with the criminal justice system, respondents were also asked for their views on potential methods to improve this engagement. The responses can be broadly categorised into two key themes: cultural awareness and appropriate survivor support.

4.1.1 Cultural awareness

Respondents emphasised the importance of cultural awareness across the criminal justice system in fostering trust and ensuring interactions with survivors are sensitive and appropriate. This is an issue also drawn upon in academic literature.⁸⁰ **Lawyer 2** stressed the need for “cultural awareness in advance of intervention” to build trust and understanding. Similarly, **Police 1** suggested that survivor engagement could be improved through increased diversity in police recruitment: “[We need] more officers who are of the backgrounds of a lot of the most prevalent groups of people, most prevalent communities where this happens.” (**Police 1**)

By reflecting the communities they serve, police officers may provide survivors with a sense of familiarity and understanding, encouraging them to more willingly engage with the criminal justice process.⁸¹

80. Murphy, C., Brachou, A., Karra, E. & Lazzarino, R. (2024) [Cultural influences and cultural competency in the prevention and protection of survivors of modern slavery and human trafficking: insights from the UK and Albania](#); Shirgholami, Z., King, P., Omole, D. & Brierley, R. (2024) [Cultural competency in UK responses to modern slavery](#)

81. Although consideration must also be given to whether individuals may be reluctant to disclose if there is a fear about information being shared with others from their community.

4.1.2 Appropriate survivor support

Robust and appropriate survivor support emerged as a key theme in the interviews, with respondents emphasising its importance in building trust and fostering cooperation. Providing suitable support was consistently identified as essential for gaining survivors' confidence and encouraging their engagement in the criminal justice system. One respondent noted:

You need outstanding victim care to get to the stage where that victim feels confident enough to give an account.

Police 3

Other participants highlighted the importance of investing time, effort, and resources into survivor engagement:

that victim engagement and just building that confidence with the victim.

Financial Expert 2

I think if we spent the time, effort, money, into victim engagement.

Police 6

These perspectives underscore the need for a victim-centred approach that prioritises tailored care and support. By addressing the emotional and practical challenges survivors face, law enforcement can create an environment where survivors feel empowered to share their experiences and actively participate in the prosecution process.

Special measures

Respondents highlighted the importance of providing and using available special measures to reduce the stress of engaging with the criminal justice system by implementing "mechanisms by which the evidence can be used without [the victim] having to sit through a court trial." (**Cyber Crime Expert**). Measures can include "screening the witness from the accused, giving evidence by live link, giving evidence in private, removal of wigs and gowns, video recorded evidence in chief and video recorded cross-examination or re-examination".⁸²

82. [Modern Slavery Act \(2015\)](#)

By reducing the emotional burden on survivors, these provisions aim to encourage participation in prosecutions while minimising the risk of re-traumatisation.

Victim Navigators

One specific element of survivor support that was repeatedly praised by the respondents was the role of Victim Navigators, a programme developed by Justice and Care.⁸³ Victim Navigators offer a bridge between survivors of modern slavery and the police, providing a non-police point of contact to support engagement with the criminal justice system. They are not funded as a national provision but are allocated to police forces which have an intrinsic understanding of the value of the navigator role. The funding model varies by police force, but many of the current navigators are predominantly funded through charitable funds via Justice and Care, with some receiving additional funds from open calls for funding from government bodies, Police and Crime Commissioners, or other arms-length bodies.⁸⁴ There are currently 11 Victim Navigators,⁸⁵ which highlights how some forces have invested in this resource, but which also raises concerns about a potential postcode lottery relating to support provisions.

One respondent highlighted their effectiveness: “our Victim Navigator, we’ve had him for three years. Not one victim he’s engaged with, has dropped out.” (**Police 6**)

Another respondent underscored their unique value:

I’m a huge proponent of those. I think they’re excellent because they act as the soft barrier between law enforcement and the victim, and they are trauma-informed.

Lawyer 2

Similarly, **Financial Expert 2** commented that: “We do have the VLOs [victim liaison officers] and the Victim Navigators and they are invaluable to the relationships and also our NGOs [non-governmental organisations] in the way they now engage in support of victims”.

83. Justice and Care (2023) [Modern Slavery Victim Navigator Programme](#)

84. Justice & Care (2022) [Victim Navigator Pilot Final Evaluation](#)

85. These Victim Navigators work regionally across Metropolitan Police, Greater Manchester Police, The East Midlands Regional Organised Crime Unit (covering 5 police forces), Eastern Region Regional Organised Crime Unit (covering 7 police forces) and Police Scotland. Justice & Care also have Navigators working nationally, one of whom specialises in Organised Immigration Crime and the other with the Gangmasters and Labour Abuse Authority.

The navigators' ability to build trust and provide consistent, informed support makes them crucial in improving survivor engagement and increasing the likelihood of successful prosecutions and their role has been widely endorsed.⁸⁶

By prioritising cultural awareness and appropriate survivor support, these approaches underscore the importance of victim-centred practices in strengthening prosecutions and convictions for modern slavery offences.

4.2 Enhancing institutional capacity

Interview respondents provided valuable insight into strengthening institutional capacity to improve prosecutions and convictions under the Modern Slavery Act. Key focus areas included improving practitioner knowledge, increasing resources, streamlining investigative processes, and reducing reliance on victim testimony.

4.2.1 Practitioner knowledge

Respondents emphasised a need for comprehensive training for practitioners involved in modern slavery cases, with **Lawyer 2** highlighting the importance of understanding how modern slavery cases can be particularly nuanced:

[We need] judicial understanding and practitioner understanding. I still think my profession, and by that I mean lawyers, are naive and ill-informed and frankly don't think out-of-the-box.

Lawyer 2

Police 7 noted the gaps in the knowledge of key agencies: "I think there's still a lack of understanding with the judiciary and the CPS". Concerns were also raised that this lack of awareness extends to practitioners understanding the complexity of modern slavery.

Targeted and ongoing training was deemed essential to improving judicial outcomes. However, such training requires adequate resource allocation to be effective.

86. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

4.2.2 Resource allocation

The critical importance of allocating sufficient resources to support modern slavery investigations was a recurring theme among respondents. Many highlighted how limited staffing and funding within police forces undermine efforts to prioritise these cases.

Police still are struggling to cope with reported crime, never mind proactively looking for crime.

Police 6

It's not just about having an Act that gets you the prosecutions; it's having the resources to deal with it.

Police 3

Respondents also emphasised the need for dedicated modern slavery units within police forces to streamline efforts and focus expertise. They further advocated for multidisciplinary approaches, a suggestion supported by publications,⁸⁷ enabling collaboration between experts including NGOs, lawyers and financial investigators to share resources and enhance outcomes.

4.2.3 Streamlining investigative processes

The delays and complexities within modern slavery investigations were raised as significant barriers to securing prosecutions and convictions. Respondents pointed to the protracted timelines involved, particularly when managing large volumes of data.

The challenges of cross-border investigations were also emphasised: “Different laws in different countries and different working practices and that coordination is time consuming.” (**Police 1**).

Reducing investigation timelines, enhancing international collaboration, and leveraging technology to process evidence more efficiently are all, therefore, crucial in improving the likelihood of reaching prosecutions and convictions.

87. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#); Brooks, L., Paterson, C. (2023). Strengthening Multi-agency Responses to the Trafficking of Girls in England and Wales. In: Pandey, M. (eds) International Perspectives on Gender-Based Violence. Advances in Preventing and Treating Violence and Aggression. Springer, Cham: 105–122

4.2.4 Reducing reliance on victim testimony

Finally, there was a repeated concern that “[t]here is too much reliance on victim testimony” (**Police 5**) and that this places significant pressure on survivors and can limit progress when survivors are unable or unwilling to testify.

To address this, respondents emphasised the need to strengthen alternative methods of building cases. These include financial investigations, the use of objective evidence, and intelligence-led approaches, all of which could reduce the burden on survivors while enhancing the robustness of cases.⁸⁸

4.3 Alternative routes to prosecution

The reliance on victim testimony in modern slavery cases, as explored throughout this report, presents significant challenges to securing prosecutions and convictions under the Modern Slavery Act. Given the interpersonal, institutional, and systemic challenges that hinder survivor engagement, it is crucial to consider alternative routes to prosecution that place less reliance on victim testimony, at least in the interim while measures to improve engagement are developed and implemented.

As the original intention of this research project was to examine the potential of using financial investigations to secure convictions under the Modern Slavery Act, significant attention was given to exploring the extent to which such investigations offer an alternative route to relying on victim testimony. By focusing on the financial aspects of modern slavery crimes such as money laundering, illicit profits, and transactional evidence, financial investigations can provide critical corroborative evidence that reduces the reliance on survivors’ accounts.

Financial investigations offer a means to trace the activities of traffickers and exploiters, uncovering the economic structures that sustain modern slavery. This approach can strengthen cases and also aligns with broader efforts to tackle organised crime networks. Despite their potential, financial investigations remain underutilised in modern slavery cases, often due to limited resources, training, and prioritisation within law enforcement agencies.

While this report highlights the promise of financial investigations, a detailed exploration of their implementation, challenges, and impact will be the focus of the second report in this series. Drawing on further insights from the practitioners interviewed for this research and existing literature, the forthcoming report provides actionable recommendations for integrating financial investigations more effectively into modern slavery prosecutions.

88. House of Lords (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

5. Recommendations

The preceding sections have highlighted key barriers to achieving successful prosecutions and convictions under the Modern Slavery Act, alongside potential solutions such as greater use of financial investigations to reduce reliance on victim testimony. These insights underscore the need for both systemic and practical reforms to enhance the justice system's ability to prosecute and convict modern slavery offenders effectively.

The following recommendations build upon these findings, offering targeted actions for policymakers, law enforcement, the judiciary, and other key stakeholders. By implementing these measures, the justice system can address existing challenges, improve survivor engagement, and ensure that the Modern Slavery Act achieves its intended goals of prosecuting offenders and supporting survivors.

For the Ministry of Justice

Resource allocation

1. **Provide dedicated funding for modern slavery investigations, ensuring sufficient resources for specialist units within law enforcement.** Respondents highlighted resource shortages as a critical barrier.
2. **Increase funding for the Victim Navigator programme to expand its reach across the UK.** Victim Navigators were praised for maintaining engagement with survivors but are not available in all regions.

For the Home Office

Legislative revisions and support

3. **Review the impact of immigration laws and policies (both as part of the impact assessment before they are introduced, and after implementation) to ensure that they do not deter survivor engagement or undermine modern slavery prosecutions.** Respondents identified the hostile immigration environment as a significant barrier with legislative provisions risking discouraging survivors from coming forward.⁸⁹
4. **Engage with survivors to develop survivor-centred policies.** While this report was based primarily on practitioner insights, it is crucial to consider survivor perspectives to ensure that policies best meet their needs.

89. Note that the Border Security, Asylum & Immigration Bill was published on 30th January 2025 and repeals many of the provisions of the Illegal Migration Act that could deny support to survivors if these provisions were enforced.

Training and awareness

5. **Mandate specialist, ongoing training for police and prosecutors on the nuances of modern slavery, victim trauma, and cultural sensitivity.** Gaps in knowledge were raised as barriers to successful prosecutions both in terms of the complexity of modern slavery cases, and in how to apply the Modern Slavery Act.
6. **Include modules on financial investigations in police and prosecutor training programmes to improve their use as a complementary route to prosecution.** Financial investigations are an effective tool to reduce reliance on victim testimony.

For law enforcement

Enhancing investigative practices

7. **Prioritise the use of financial investigations in modern slavery cases.** Such investigations can provide objective evidence that reduces the need to rely on victim testimony.
8. **Establish multidisciplinary partnerships to leverage expertise from NGOs, victim liaison officers, and financial investigators.** Collaboration across organisations was emphasised as key for improving investigations and enhancing trust and communication with survivors.
9. **Implement the training highlighted in recommendations 5 and 6.**

Cultural representation and awareness

10. **Recruit more officers from diverse backgrounds reflective of communities most affected by modern slavery to foster trust and improve engagement with survivors.** Diversity in police forces is a necessary step to increase trust and communication with the communities they serve. Cultural awareness is a critical factor in improving survivor engagement.
11. **Ensure officers are trained on trauma-informed ways of working specific to modern slavery.** This would help in treating survivors appropriately and recognising that their demeanour and engagement with services may be influenced by their modern slavery experiences.

For the Crown Prosecution Service (CPS)

Reducing reliance on victim testimony

12. **Increase the use of corroborative evidence, such as financial records and digital data, to build cases that do not depend solely on victim accounts.** Such approaches would help overcome some of the challenges of relying on victim testimony.
13. **Develop a framework to assess the sufficiency of non-testimonial evidence in modern slavery cases.** By creating a framework that values alternative forms of evidence, the CPS can reduce reliance on survivors while maintaining robust prosecutions.
14. **Provide for improved access to special measures, such as video-recorded testimonies.** The use of these special measures helps to minimise the stress of participating in court processes.

Improved coordination with law enforcement

15. **Create clear guidelines for accepting charges under the Modern Slavery Act to address high evidentiary thresholds and reduce reliance on lesser offences.** Pursuing modern slavery for lesser offences risks failing to reflect the severity of such crimes, and risks skewing the figures of modern slavery offences which can impact future resource allocation.
16. **Implement the training highlighted in recommendations 5 and 6.**

For NGOs and victim support services

Enhanced survivor engagement

17. **Expand the availability of trauma-informed victim liaison officers to provide consistent support throughout investigations and prosecutions.** These roles can be vital in building trust and maintaining survivor engagement.

Survivor-led research and advocacy

18. **Collaborate with survivors to identify barriers to engagement and develop survivor-centred approaches to legal processes and support services.** While this report was based primarily on practitioner insights, survivor perspectives are crucial to understanding barriers to engagement and developing processes that will improve cooperation with the criminal justice system.

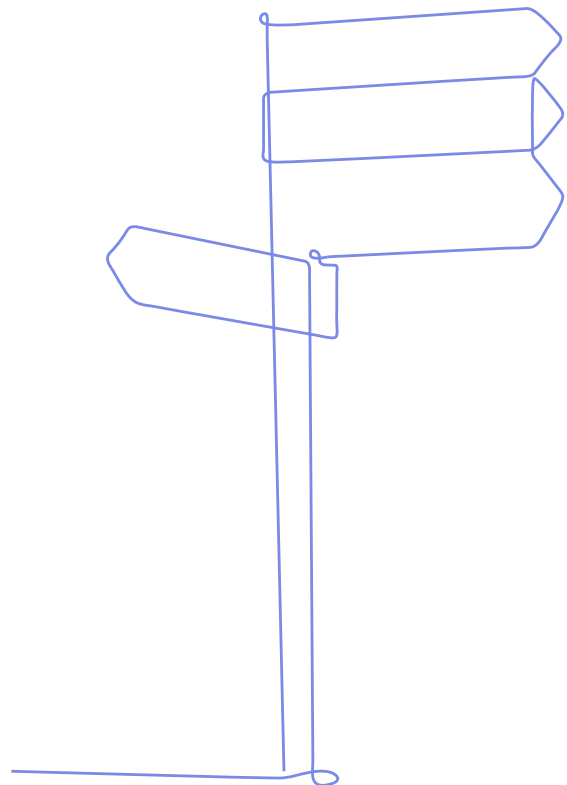
For researchers

Co-production of research with survivors

19. **Undertake studies that centre on survivor perspectives to understand their needs and preferences in criminal justice outcomes.** Again, this report predominantly focused on practitioner insights, but survivor input is essential for ensuring that the justice process aligns with the priorities of those most affected by modern slavery.
20. **Investigate what a successful judicial outcome looks like from the perspective of survivors.** Research into survivors' preferences for judicial outcomes could aid the alignment of prosecutorial strategies with survivor needs and expectations.

Evaluations of financial investigations

21. **Investigate the efficacy of financial investigations in improving prosecution rates under the Modern Slavery Act and their broader impact on dismantling organised crime networks.** Financial investigations as an alternative route to prosecution was a central focus of this research, but further evaluation is needed to optimise their application and assess their effectiveness in modern slavery cases.



Appendix 1 – Interview questions

The data collection was based on semi-structured interviews. The following questions were used as the basis for each interview, with flexibility around the order of questions and allowing for follow-up questions where appropriate.

1. Tell me about your role
2. Have the provisions of the Modern Slavery Act, particularly sections 1 and 2 better enabled police and prosecutors to secure convictions for modern slavery crimes?
3. What are the challenges to prosecuting someone under the Modern Slavery Act?/for human trafficking offences?
4. How willing do you think victims of modern slavery are to engage with the criminal justice process to secure prosecutions and convictions of their perpetrators?
 - a. Why might they not want to engage?
 - b. Are there any ways we might be able to improve engagement?
 - c. Are there any alternatives to securing prosecutions and convictions without relying on victim testimony?
5. Have you done much work on the financial side of crimes?
 - a. Could you talk me through how these work?
 - b. Have you done such investigations specifically for modern slavery crimes?
 - c. Could you talk me through how these work?
6. What types of financial crimes are associated with modern slavery offences?
 - a. Are perpetrators being convicted for these crimes rather than modern slavery offences as the primary offence?
7. Are there any significant indicators to look out for in financial transactions that could be indicative of modern slavery?
8. Do you think evidence from financial investigations could support so-called “victimless prosecutions” in modern slavery cases?
 - a. Are they likely to lead to convictions under the Modern Slavery Act or for other crimes?
9. What would the practicalities be for securing prosecutions for modern slavery crimes under the Modern Slavery Act but relying only on financial investigations?
10. Are there any things that investigators should know, or be provided with, for example software, that could improve their financial investigations into modern slavery and human trafficking?
11. Is conviction the most effective way to tackle modern slavery?

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The Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford exists to enhance understanding of modern slavery and transform the effectiveness of laws and policies designed to address it. The Centre funds and co-produces high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society and survivors to collaborate on solving this global challenge.

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